

HOUSE BILL 3216

By Bunch

AN ACT to amend Chapter 846 of the Private Acts of 1947; as amended by Chapter 197 of the Private Acts of 1953; Chapter 291 of the Private Acts of 1976; Chapter 46 of the Private Acts of 1989; Chapter 208 of the Private Acts of 1992 and Chapter 22 of the Private Acts of 1993; and any other acts amendatory thereto, relative to Bradley County Memorial Hospital.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 846 of the Private Acts of 1947; as amended by Chapter 197 of the Private Acts of 1953; Chapter 291 of the Private Acts of 1976; Chapter 46 of the Private Acts of 1989; Chapter 208 of the Private Acts of 1992 and Chapter 22 of the Private Acts of 1993; and any other acts amendatory thereto, is amended by adding the following as a new, appropriately designated section:

Sec. \_\_\_\_\_. Sale or lease of hospital facilities. Be it further enacted that a referendum of the voters of the County of Bradley approving the sale or lease of the buildings, real property, or ongoing concern of the hospital and clinical facilities owned by the County of Bradley, including the facilities known as Bradley County Memorial Hospital, is required prior to such sale or lease by the board of trustees of Bradley

Memorial Hospital or any other entity deemed responsible for making determinations regarding the sale or lease of said hospital except as follows:

(a)

(1) The board of trustees of the Bradley County Memorial Hospital by majority vote of its membership adopts a resolution that finds and declares:

(A) that an emergency exists in the operation of such facility because of its rapidly deteriorating financial condition and inability to meet current cash requirements, debts payable, or lacks adequate operating capital;

(B) that the continued operation of the hospital by the board of trustees and the Bradley County Memorial Hospital is not economically feasible;

(C) that the continued operation of such facility by the county will adversely affect the financial stability of the county; and

(2) After a public hearing, the city council and county commission by unanimous vote of its membership, approves the recommendations of the board of trustees of the Bradley County Memorial Hospital; or

(b)

(1) The board of trustees of the Bradley County Memorial Hospital by majority vote of its membership adopts a resolution that finds and declares that part of the buildings and real property of such facilities is no longer needed by the board of trustees for the operation of such hospital and clinical facilities; that such buildings and property are surplus; and that the board recommends to the county commission that such property be sold or transferred by the county; and

(2) After a public hearing, the city council and county commission by unanimous vote of its membership, approves the recommendations of the board

of trustees of the Bradley County Memorial Hospital for the sale or transfer of such portion of the property.

A referendum required by this section shall be held at any general election or may be held at a special election called for such purpose. The ballots used in such election shall have printed on them the substance of the proposed sale or the proposed disposal of such hospital or real property and the voters shall vote for or against its approval.

The provisions of this section do not apply to the disposal of personal property of such hospital and clinical facilities which is obsolete, surplus, or unusable and such personal property shall be disposed of in accordance with a policy established by the board of trustees.

SECTION 2. This act shall have no effect unless it is approved by a majority of the number of qualified voters of Bradley County voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held in August, 2002, shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by the County of Bradley.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it, but for all other purposes the provisions of the act shall be effective only upon being approved as provided in Section 2.